

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

BROADCAST MUSIC, INC.; EMI BLACKWOOD)
MUSIC, INC.; HIDDEN PUN MUSIC, INC.; KISSING BOOTH)
MUSIC, INC.; TOTALLED, INC. d/b/a SUSHI TOO MUSIC;)
CARL PERKINS MUSIC, INC.; FOURTEENTH HOUR)
MUSIC, INC.; PRONTO MUSIC, a division of COTILLION)
MUSIC, INC.; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE)
PUBLISHING; WARNER- TAMERLANE PUBLISHING CORP.;)
UNIVERSAL-DUCHESS CORPORATION; EMI VIRGIN)
SONGS, INC. d/b/a EMI LONGITUDE MUSIC;)
PEERMUSIC III LTD.; STEPHANIE NICKS, an individual d/b/a)
WELSH WITCH MUSIC; SONY/ATV SONGS LLC d/b/a)
SONY/ATV ACUFF ROSE MUSIC; COMBINE MUSIC CORP.;)
SPRING-TIME MUSIC, INC.; ZOMBA SONGS INC.;)
PAUL A. GEORGE, LUCIEN GEORGE, CURTIS BEDEAU,)
BRIAN GEORGE, GERARD CHARLES and HUGH CLARKE,)
a partnership d/b/a FORCEFUL MUSIC; EMBASSY MUSIC;)
JOHN CAFFERTY, JR. d/b/a JOHN CAFFERTY MUSIC;)
FREDERICK S. BIENSTOCK and HAMMERSTEIN MUSIC &)
THEATRE COMPANY, INC., a Connecticut partnership d/b/a)
EDWARD B. MARKS MUSIC COMPANY; DANDELION)
MUSIC CO., a division of JAMIE MUSIC PUBLISHING CO.;)
STONE DIAMOND MUSIC CORP.; SHERYL SUZANNE CROW)
d/b/a OLD CROW MUSIC; JEFF TROTT d/b/a TROTTSKY)
MUSIC; UNIVERSAL-SONGS OF POLYGRAM)
INTERNATIONAL, INC.; FUEL PUBLISHING INC. d/b/a)
PENER PIG PUBLISHING; PAINTED DESERT MUSIC)
CORPORATION,)

Plaintiffs,

v.

GILLIAN'S SPORTS CAFÉ, INC. d/b/a GILLIAN'S SPORTS)
CAFÉ and KIMBERLY A. WHITE and DAVID W. WHITE, each)
individually,)

Defendants.

Civ.A.No.: 04cv12514NMG

AFFIDAVIT OF LAWRENCE E. STEVENS

COUNTY OF DAVIDSON)

I, LAWRENCE E. STEVENS, being sworn, says:

1. I am the Assistant Vice-President, General Licensing for BROADCAST MUSIC, INC., hereinafter referred to as "BMI", and I maintain an office at 10 Music Square East, Nashville, Tennessee 37203. I am fully familiar with the facts and circumstances in this matter, as well as with BMI's general licensing procedures.

2. BMI is a non-profit organization, whose sole purpose is to act as a licensing agent for the owners of copyrighted music. All the license fees that BMI collects, after payment of expenses, goes to the songwriters and others who own copyrighted music.

3. On behalf of copyright owners, BMI routinely sends license agreements to the proprietors of bars and other establishments, together with information explaining the need to obtain permission from copyright owners in order to publicly perform copyrighted music lawfully in their establishments. Copies of such correspondence are maintained at BMI's Licensing Office, under my supervision.

4. In February, 2003, BMI learned that an establishment known as Gillian's Sports Café (Gillian's), located at 1094 Bay Street, Taunton, Massachusetts 02780, was offering musical entertainment without a license from BMI, and without permission from the copyright owners whose music was being publicly performed. On February 28, 2003, BMI sent a letter to the establishment advising that a license was required. An information brochure and BMI license agreement containing a license fee schedule were enclosed. The defendants were advised that BMI represented hundreds of

thousands of writers and publishers, and that BMI had the right to license several million musical compositions. There was no response.

5. BMI sent additional letters to Gillian's Sports Café on the following dates:

March 10, 2003
April 3, 2003
April 23, 2003
May 15, 2003
July 28, 2003
August 5, 2003
October 2, 2003
November 10, 2003
December 1, 2003 (Airborne)
December 22, 2003 (Airborne)
March 10, 2004
June 25, 2004
September 30, 2004
October 15, 2004 (DHL)
October 19, 2004 (DHL)

Many of these letters enclosed informational brochures about music licensing and BMI, and/or license agreements ready for signature. No response was received from defendants.

6. BMI employs licensing personnel who work under the supervision of BMI's licensing executives. They assist BMI's licensing efforts by making telephone calls and personal visits to potential licensees. They make a contemporaneous note of each telephone call and personal visit made. Copies of these records are maintained at BMI's offices, along with copies of the correspondence discussed above.

7. BMI's records indicate that BMI licensing personnel telephoned Gillian's on thirty-nine occasions and on many of those spoke to persons associated with the management of the establishment. Representatives visited Gillian's in person on two different occasions, but were unable to meet with the management of the establishment.

8. Despite BMI's efforts, the defendants failed to enter into a license agreement with BMI and continued to offer unauthorized public performance of BMI-licensed music.

9. BMI's letters of November 10, December 1, December 22, 2003, and March 10, June 25, September 30, and October 15, 2004 expressly warned defendants against infringement of copyright. (See copies attached hereto as, collectively, Exhibit A.)

10. Having received no meaningful response to any of these efforts, and in order to protect the rights of the publishers and writers affiliated with BMI, BMI authorized and instructed Derek Addams, a Massachusetts resident, to visit Gillian's on two separate occasions and make a written report of the music being publicly performed. Copies of Mr. Addam's Certified Infringement Reports are attached as Exhibit B. The Reports shows that all of the compositions named in Plaintiffs' Complaint were performed at Gillian's on September 16 or 24, 2004.

11. BMI had not issued a license to any person authorizing the performance at Gillian's of any of such compositions. It is further my information and belief that none of the owners of the copyrights of any of said works had authorized such performance.

12. BMI sent to Defendant David White a letter dated October 15, 2004, by DHL, advising him of the investigation and giving defendants a final chance to take a BMI license. A copy of this letter is attached hereto as Exhibit C.

13. It is my information and belief that defendants are still publicly performing music licensed by BMI at Gillian's. BMI still has not received an executed license from defendants.

14. Had defendants entered into an agreement, the annual license fee for Gillian's for the current year would have been \$2,375.00 based upon the type of premises, the type(s) of music usage, and other factors as set forth in the applicable BMI license agreement. Had this location been licensed

by BMI for the three years immediately preceding the filing of this action (three years being the applicable statute of limitations), BMI would have received an additional \$4,562.50 in license fees for a total of \$6,937.50.

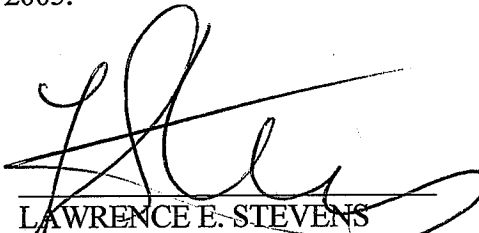
15. BMI seeks statutory damages in this action pursuant to 17 U.S.C. Sec. 504(c)(1). The statute permits an award of not less than \$750 or more than \$30,000 per work infringed. In this case nineteen works have been infringed. Furthermore, "[i]n a case where the copyright owner sustains the burden of proving . . . that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than \$150,000." 17 U.S.C. Sec. 504(c)(2). I believe that the history I have recited above makes clear that defendants infringed willfully.

16. BMI seeks an award in this case in the amount of three times the license fees it would have been paid had defendants complied with the law. That amounts to \$20,812.50, or slightly over \$1,000 per work infringed. Courts consistently have held that a statutory damages award of three times the amount that the plaintiff would have received in licensing fees is appropriate under Section 504(c). See *Chi-Boy Music v. Charlie Club, Inc.*, 930 F.2d 1224, 1229-30 (7th Cir. 1991); *Dream Dealers Music v. Parker*, 924 F. Supp. 1146, 1153 (S.D. Ga. 1994) (awarding three times what defendant would have paid ASCAP to be licensed). See also, *Sailor Music v. IML Corp.*, 867 F. Supp. 565, 570 (E.D. Mich. 1994) and cases collected therein (a

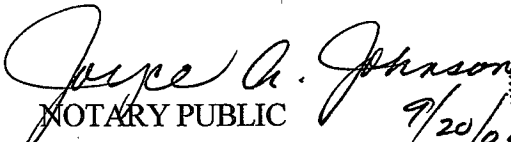

“survey of statutory awards throughout the country ...[indicates] that the courts typically award three times the amount of a properly purchased license for each infringement.”). Therefore I believe that our request is a modest, just, and appropriate statutory damages award, particularly in light of BMI’s repeated attempts to persuade defendants to abide by the law.

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: June 3, 2005.


LAWRENCE E. STEVENS

Sworn to before me on June 3, 2005


NOTARY PUBLIC
9/20/08




February 28, 2003

Kimberly White
Julian's Sports Cafe
1094 Bay Street
Taunton MA 02780

AIRBORNE

Dear Ms. White:

There are many licenses you must obtain when operating a business. One that you may not know about is the license you must secure from songwriters, composers, and publishers to perform their music publicly under the United States copyright law.

As a businessperson using music to enhance the atmosphere in your restaurant or nightclub, you'll realize that obtaining individual licenses to perform every song you use would be an expensive and time-consuming process.

Representing more than 1 out of every 2 songs performed on American radio today, BMI is the largest, non-profit making organization recognized under the U.S. copyright law to license the public performances of musical works. BMI can grant you the right to publicly perform the music of more than 300,000 songwriters, composers, and publishers through one simplified agreement and one annual fee. Over eighty-three cents of every dollar of your fee goes directly to the BMI songwriters, composers, and publishers whose music you are performing.

Our BMI Music License was designed with input from your industry associations and actual customers to fit the way you use music in your business. By basing our fee structure on the intensity and frequency of your music use, you are guaranteed to only pay for the music you play.

We've enclosed a new BMI Music License for your review along with a brochure written by the Better Business Bureau that describes how BMI can assist you in obtaining legal access to the approximately 4.5 million musical works in the BMI repertoire. Once you've had a chance to review the agreement, please sign and return it in the envelope provided.

If we receive your payment with your signed music license within 30 days, you will receive a 10% discount off your annual fee. In addition, some state or national trade associations have discount agreements with BMI. Contact your association to see if you qualify for one association discount only.

If you have questions, please call BMI at 1-888-689-5264, 9 a.m. to 5 p.m. (Central Time) Monday through Friday. For a list of all of the BMI affiliated songwriters, composers, and publishers and the music included under this agreement, please visit our World Wide Web site on the Internet at <http://www.bmi.com>.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Williams", with a long horizontal flourish extending to the right.

Marsha Williams
Senior Director
General Licensing

Enclosures: EDE Music License, BBB, BRE
2979155636596/03/03/Premise State: MA



ATTN: CHRISTINE CLOVER
 FROM: DHL ICOR SYSTEM
 REFERENCE:
 COMMENTS:

AIRBILL NUMBER		DATE	CHARGES	PU RTE/DB	DECLD.VAL.	DHL EXPRESS (USA) INC. 1200 S PINE ISLAND ROAD PLANTATION, FL 33324 WWW.DHL-USA.COM 1 800 CALL-DHL		
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SENT BY GL 615-401-2879								
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O	1094 BAY STREET							
ATTN KIMBERLY WHITE 5088849977								
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NASHVILLE								
REF 31								
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March 10, 2003

Kimberly White
Julian's Sports Cafe
1094 Bay Street
Taunton MA 02780

RE: Gillian's Sports Cafe
Music Use

Dear Ms. White:

Thank you for your interest in BMI and music licensing. We wish to provide as much information as needed to the business community in order to clarify a subject that is often misunderstood. You requested that BMI provide a reference to verify our authority to act on behalf of our songwriters. BMI is a recognized licensor of music by the U. S. Copyright Law, Title 17, United States Code Subsection 114(d)(3)(E)(ii).

For a direct source, you may contact the U.S. Copyright Office at (202) 707-3000. For more information on music licensing, we have enclosed a **Better Business Bureau** pamphlet, "Music In the Marketplace," for either you or your attorney to review.

In addition to the Better Business Bureau, BMI is a member of many governmental and business organizations. We recommend contacting the local business bureaus and chambers within your area as well as regional and national trade associations. Please call us directly if you would like a complete list of trade associations that BMI belongs to.

In addition to these references, there have been many articles on music licensing in trade publications, regional and national press as well. We would be happy to refer you to specific articles on the subject of music licensing.

If you have any further questions, please call us directly at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Williams', is written over a horizontal line.

Marsha Williams
Senior Director
General Licensing

Enclosures: EDE Music License, BRE, BBB
2979155636596/03/03/Premise State: MA





April 3, 2003

Dave White
Julian's Sports Cafe
1094 Bay Street
Taunton MA 02780

RE: Gillian's Sports Cafe
Music Use

Dear Mr. White:

Thank you for your interest in BMI and music licensing. We wish to provide as much information as needed to the business community in order to clarify a subject that is often misunderstood. You requested that BMI provide a reference to verify our authority to act on behalf of our songwriters. BMI is a recognized licensor of music by the U. S. Copyright Law, Title 17, United States Code Subsection 114(d)(3)(E)(ii).

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In addition to these references, there have been many articles on music licensing in trade publications, regional and national press as well. We would be happy to refer you to specific articles on the subject of music licensing.

If you have any further questions, please call us directly at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to be "Marsha Williams", written over a horizontal line.

Marsha Williams
Senior Director
General Licensing

Enclosures: EDE Music License, BRE, BBB
2979155636596/03/03/Premise State: MA





April 23, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

Dear Mr. White:

After repeated efforts to resolve this matter by phone, I recently visited your establishment to speak with you personally about licensing the BMI music that is used in your establishment. Though you were not available, I was able to reaffirm your need for a license and subsequently left a BMI Music License for your completion. I anticipated that the agreement would be returned with the appropriate payment.

The purpose of this follow up letter is to make it clear that we need to bring closure to this very important issue now. Please complete and return the License Agreement, along with your fee, in the enclosed postage paid envelope. If you have any questions about BMI or licensing the performances of copyrighted music under the U.S. copyright law, please contact me at 1-888-689-5264.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Scot Whitaker", is written over a horizontal line.

Scot Whitaker
Licensing Executive
General Licensing

Enclosures: EDE Music License, BRE
2979155636596/03/03/Premise State: MA





May 15, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

Dear Mr. White:

In recent weeks we have made numerous attempts to contact you concerning your rights and responsibilities as someone who plays BMI copyrighted music in a business. Unfortunately, we have been unable to reach an agreement regarding licensing your business.

Please understand, the U.S. Copyright Law recognizes music as the property of its creator(s) and grants them the exclusive right to perform their music in public (such as in a business). Anyone else wishing to play music in a business must first receive permission from the music's owners. As a performing rights organization, BMI serves as a representative of more than 300,000 songwriters, composers and publishers. We grant businesses legal access to approximately 4.5 million musical works through a single music performance agreement.

BMI strives to work with those who play music in their business and to make it easy for them to comply with the law. However, we are dedicated to protecting the rights of our affiliates.

To resolve this matter quickly, please return the completed BMI Music Performance Agreement, with the appropriate remittance, in the postage-paid envelope provided. If you have any questions, please contact BMI at 1-888-689-5264 9 a.m. to 5 p.m. (Central Time), Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Williams', is written over a horizontal line.

Marsha Williams
Senior Director
General Licensing

Enclosures: EDE Music License, BRE
2979155636596/03/03/Premise State: MA





July 28, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

Dear Mr. White:

I'm the Licensing Executive at BMI assigned to helping you with your music licensing needs. While I'm happy to provide you with my services and offer any assistance, I have been unable to elicit your cooperation in resolving this matter. Unfortunately, this must be my last attempt to do so.

You can easily meet your obligations under the U.S. copyright law by signing the enclosed BMI Music License designed specifically for Eating & Drinking Establishments. The fee structure of this new license assures you that you will only pay for the BMI music you play. Before turning down this offer, please remember that this is how songwriters earn their living and without the expressed written consent of the copyright owners, continued performance of BMI music is unauthorized.

This matter should receive your immediate attention. I urge you to complete, sign and return the enclosed BMI Music License today, along with the appropriate payment.

This is my last contact with you before I turn your file over to my supervisor for review. Should you still have questions regarding this matter, please contact me at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker", with a long horizontal flourish extending to the right.

Scot Whitaker
Licensing Executive
General Licensing

Enclosures: EDE Music License, BRE
2979155636596/03/03/Premise State: MA





August 5, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

RE: Gillian's Sports Cafe
BMI Music License

Dear Mr. White:

Your file has come to my attention for review.

I note that our office has a long history of repeated contact with you regarding the necessity of signing a BMI Music License. In correspondence directed to you on numerous occasions, the need for such a license was clearly stated and every effort has been made to resolve the matter amicably, but without success.

I also note from your file that you have been contacted on more than one occasion by a representative of BMI. In spite of our efforts, however, we have still not received the license from you nor any explanation for the delay.

The choice is now entirely up to you. If we are still without the completed license (enclosed), after 15 days from the date of this letter, I will be forced to consider whatever action appropriate to protect the interests of our songwriters, composers, and publishers.

Please feel free to contact me at this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cleve Murphy', is written over a horizontal line.

Cleve Murphy
Assistant Vice President
General Licensing

Enclosures: EDE Music License, BRE
2979155636596/03/03/Premise State: MA





October 2, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

Re: Music License

Dear Mr. White:

Several weeks ago BMI sent a letter to you informing you of your need to sign and return BMI's Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please use the self-addressed envelope to return the enclosed License Agreement along with the appropriate annual fee.

If you have made the decision not to sign and return the enclosed Agreement, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at 1-800-925-8451.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W-Bird', is written over the closing.

William Bird
Director
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE
03/03/Premise State: MA

=====

Re: Gillian's Sports Cafe, Account ID#: 2979155636596

- ☐ I have decided not to sign BMI's Music License.
- ☐ I have already signed and returned BMI's License.

Signature

Date





Lawrence E. Stevens
Assistant Vice President
General Licensing

November 10, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton, MA 02780

Re: Gillian's Sports Cafe Inc.

Dear Mr. White:

I note that BMI has been contacting you for some time regarding the necessity of signing a BMI Music License for your establishment(s). In correspondence and phone calls directed to you on numerous occasions, the need for such a License was clearly stated. Every effort has been made to resolve the matter amicably, but without success.

On October 2, 2003, a letter was mailed to your attention along with a License reflecting your music usage fee of \$1,800.00 for the period of 03/01/2003 to 02/29/2004 only. This fee does not include all other unlicensed periods in which you were using music.

Copyright Infringement is a serious offense. It is imperative that you give this your immediate attention. I have again enclosed a BMI Music License. Your failure to complete, sign and return the License along with the total remittance due within five (5) days, will leave me no alternative other than to refer this matter to our attorneys.

Should you have any questions, please call 1-800-925-8451.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens", is written over a horizontal line.

Lawrence E. Stevens
Assistant Vice President
General Licensing

Enclosure: EDE1 Music License, BRE
2979155636596/Premise State: MA





December 1, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton MA 02780

AIRBORNE

Dear Mr. White:

I am an attorney in BMI's licensing department. Your business or organization is not currently licensed to publicly perform music from the BMI repertoire. BMI operates on a non-profit basis and represents songwriters, composers and publishers. It is part of our responsibility in that regard to protect their copyrighted works from unlawful use without appropriate authorization. Your BMI representative has contacted your business or organization several times in an effort to secure a license. As of today, our records indicate that we have not received your signed agreement. If you have already returned your signed BMI license, or otherwise secured permission to perform BMI affiliated music, please contact this office immediately at 1-877-264-2138.

We are enclosing another License Agreement for your completion and signature. If you have questions or need assistance completing this document, please call me.

If we do not receive a completed license agreement, or a response to this letter indicating that you have otherwise licensed your BMI music, you should discontinue the public performance of music in the BMI repertory. This is to advise you that any unlicensed performance of BMI-affiliated music may result in substantial damages under the Federal Copyright Law.


Sincerely,

A handwritten signature in black ink, appearing to read "W Grothe", written over a horizontal line.

William Grothe
Senior Director
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE
/2979155636596/Premise State: MA



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	By Number By Reference By Email Signature P.O.D. Sky Courier Shipments


SIGNATURE PROOF OF DELIVERY: DETAIL

Tracking Number: 48807813272

Shipment Summary:

Shipped on: 12/1/03
Delivered on: 12/2/03 1:36 pm
Delivered to:
Signed for by: STVELO
Pieces: 1

Signature:



RECEIVED IN GOOD ORDER EXCEPT AS NOTED

Receiver:

GILLIANS SPORTS CAFE
Taunton, MA 02780
United States

[▶ New Search](#) [▶ Get Tracking Detail](#) [▶ Email Signature P.O.D.](#)

- * For further assistance please [Contact Us](#).
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December 22, 2003

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton, MA 02780

AIRBORNE

Dear Mr. White:

As you have not responded to our correspondence and in the absence of a license agreement with BMI, this shall serve as formal notice to you that effective this date, you must cease all use of BMI licensed music in your business or organization. The continued use of music in the BMI repertoire without authorization will result in copyright infringement. Copyright infringement is a violation of federal law. Copyright infringement may subject you to substantial damages. BMI is prepared to take whatever action may be necessary to protect the right of its composers and publishers. Refer any questions regarding this matter to (888) 689-5264.

Very truly yours,

A handwritten signature in black ink that reads "Lawrence E. Stevens". The signature is written in a cursive, flowing style.

Lawrence E. Stevens
Assistant Vice President
General Licensing

LS



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	By Number By Reference By Email Signature P.O.D. Sky Courier Shipments

SIGNATURE PROOF OF DELIVERY: DETAIL

Tracking Number: 48807904670

Shipment Summary:

Shipped on:	12/22/03
Delivered on:	12/24/03 11:38 am
Delivered to:	
Signed for by:	M TWEEDELL
Pieces:	1

Signature:



RECEIVED IN GOOD ORDER EXCEPT AS NOTED

Receiver:

GILLIANS SPORTS CAFE
Taunton, MA 02780
United States

▶ New Search	▶ Get Tracking Detail	▶ Email Signature P.O.D.
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- * For further assistance please [Contact Us](#).
- * This information is provided subject to DHL tariffs, Terms and Conditions of Service, a [privacy policy](#).



COPY

Lawrence E. Stevens
Assistant Vice President
General Licensing

March 10, 2004

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton, MA 02780

RE: Gillian's Sports Cafe

Dear Mr. White:

This is to notify you that the cease and desist order dated December 22, 2003 (copy enclosed) remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided. Sign and send in the enclosed license along with full remittance of fees to this office.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact this office immediately.

Sincerely,

Lawrence E. Stevens

Enclosures: Copy of C&D Letter, MPA, BRE
2979155636596/bb/ede, 03/01/2003/Premise State: MA





Lawrence E. Stevens
Assistant Vice President
General Licensing

June 25, 2005

Dave White
Gillian's Sports Cafe
1094 Bay Street
Taunton, MA 02780

RE: Gillian's Sports Cafe

Dear Mr. White:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens", is written over a horizontal line.

Lawrence E. Stevens

2979155636596/BB



10 Music Square East, Nashville, Tennessee 37203-4399
BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

(615) 401-2823

Fax: (615) 401-2861

7ccdx.doc

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1004



Lawrence E. Stevens
Assistant Vice President
General Licensing

September 30, 2004

Dave White
Gillian's Sports Cafe
1094 Bay St
Taunton, MA 02780

RE: Gillian's Sports Cafe

Dear Mr. White:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Lawrence E. Stevens". The signature is written in a cursive, flowing style.

Lawrence E. Stevens

2979155636596/BB



10 Music Square East, Nashville, Tennessee 37203-4399
BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

(615) 401-2823

Fax: (615) 401-2861

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{2979155636596ii3560153351

1000



October 15, 2004

David White
1094 Bay St.
Taunton, MA 02780

Via DHL

RE: Gillian's Sports Cafe

Dear Mr. White:

This is to notify you that infringement of BMI copyright controlled music occurred in your establishment on September 24, 2004 and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright proprietors by the Copyright Law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control in your establishment.

We have provided you with all the pertinent information and requested that you obtain a license to permit the public performance of BMI copyrighted music in your establishment (see the attached letter dated December 1, 2003). We remain ready to furnish you a license at fair rates. A completed license agreement covering the unlicensed period is enclosed.

<u>Fee Period</u>	<u>Fees</u>	<u>Paid</u>	<u>Balance</u>
3/1/2003-2/28/2004	\$2,250.00	\$0.00	\$2,250.00
3/1/2004-2/28/2005	\$2,312.50	\$0.00	\$2,312.50
Total:			\$4,562.50

In order to resolve this issue at this time, the enclosed license agreement should be completed, signed, and returned with a payment for all outstanding license fees \$4,562.50 and Music Researcher costs \$439.30, for a total of **\$5,001.80**, within 5 days of receipt of this letter.


Your failure to return the signed agreement within the stated time will leave us with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

*Please note that your fee is based on a maximum occupancy of 250, for the entire building as estimated by our representative. We could not secure the official occupancy from a local authority and therefore please respond if this estimate is not correct.

Sincerely,



Lawrence E. Stevens

	Ship	Track	Transit Times	Rates	Pickups	Locations	Suppli
	By Number	By Reference	By Email	Signature P.O.D.	Sky Courier Shipments		

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TRACKING RESULTS: DETAIL

Tracking Number: 23383083651

Shipment Summary:

Current Status:	Shipment delivered.
Delivered on:	10/19/04 2:10 pm
Delivered to:	
Signed for by:	B GRAHAM

[Ge](#)

Shipment History:

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
10/19/04	2:10 pm 7:56 am	Shipment delivered. Arrived at DHL facility.	Cranston, RI Cranston, RI
10/15/04	6:34 pm 5:06 pm	Departing origin. Picked Up by DHL.	Nashville, TN Shipper's Door

Shipper:	Receiver:
B M I Nashville, TN 37203 United States	GILLIAN'S SPORTS CAFE Taunton, MA 02780 United States

Shipment Detail:

Service:	2nd day	Ship Type:	Letter Express
Special:	Signature Required	Description:	
Weight:	1	Shipper's Reference:	25
Pieces:	1		

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- * Tracking detail provided by DHL: 10/19/2004, 1:19:16 pm pt.
- * For assistance, please [contact us](#).
- * You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to [use of DHL tracking systems and information is strictly prohibited.



October 19, 2004

Kimberly White
Gillian's Sports Cafe
1094 Bay St
Taunton, MA 02780

RE: Gillian's Sports Cafe

Dear Ms. White:

I am providing you with a copy of all of the pertinent letters sent to your establishment, a BMI License and Legal Aspects. We remain ready to furnish you a license at fair rates.

You may still obtain necessary permission to perform BMI licensed music by completing, signing and returning the enclosed license agreement form together with payment of fee within five days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to consider whatever action appropriate for the protection of our rights.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Bird".


William Bird

Enclosures: MPA, BRE Letters dated: 12/01/03, 12/22/03 and 10/15/2004, Legal Aspects

DHL

Return Receipt Requested



 ▶ LOGIN ▶ REGISTER ▶ Customer Service ▶ Domestic Services ▶ International Services ▶ Small Business Center ▶ Technology Tools ▶ About DHL	Ship Track Transit Times Rates Pickups Locations Suppl
	By Number By Reference By Email Signature P.O.D. Sky Courier Shipments


SIGNATURE PROOF OF DELIVERY: DETAIL

Tracking Number: 23418891554

Shipment Summary:

Delivered on: 10/21/04 1:57 pm
Delivered to:
Signed for by: E MARTINS
Pieces: 1

Signature:



RECEIVED IN GOOD ORDER EXCEPT AS NOTED

Receiver:

Please retry later to obtain receiver information.

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------------------------------	---------------------------------------	--

✦ For further assistance please [Contact Us](#).

✦ This information is provided subject to DHL tariffs, Terms and Conditions of Service, a [privacy policy](#).

CERTIFIED INFRINGEMENT REPORTPage: 1 of 5Log Date: Day of the Week THURSDAY Month SEPTEMBER Date 16TH Year 2004Name of Establishment GILLIAN'S CAFE AND SPORTS BARAddress 1094 BAY ST.City TAUNTON State MA. Telephone Number (508) 884-9977**ENTRY FEES**☐ Admission/Cover - Amount: \$ _____ ☐ Ticketed - Price: \$ _____ ☐ Minimum - Amount: \$ _____ ☒ None**TYPE OF PERFORMANCE**☐ Live ☒ DJ ☐ Karaoke ☐ VJNumber of Performers/DJs: 1DJ, 1 ASSISTANT Name of Act: DJ KARL

Description of Performers/DJs, etc.

Instrumentation/Vocal

M/F

DJ WORE A T-SHIRT AND JEANS (BOTH ARMS
AMPUTATED AT THE ELBOW, AND BOTH LEGS AT THE
KNEES OR HE WAS A MIDGET, HE DID MOVE AROUND
THE CLUB FREELY WALKING)FEMALE DISC ASSISTANT WORE SHORTS AND
A BLOUSEMF**Recorded Music: Source And Type Of Equipment Used**☒ CDs ☐ Tapes ☐ Records ☐ Internet Source ☐ Music Service: _____
(If Known)☐ DVD ☐ Video Tapes ☐ Radio ☐ Satellite Radio ☐ Other: _____☒ TV Monitors APPROX. 10 / 20" APPROX.
& Size☐ Large Screen TVs 1 APPROX 50"
& Size**Speakers:**Type: ☐ Ceiling - Estimated #: _____ ☐ Box - Estimated #: 4 ☒ OtherDescription of Equipment And/Or Speakers: D.J. USED A DISC PLAYER AND SMALL MONITORS
(2) MOUNTED ON STANDS WITH AN EFFECTS RACK & MIKER**Jukebox**Name Vender Co: UNKNOWN ☒ Coin Operated ☐ Free Play ☐ BothBrand: BOSE DIGITAL Model: TOUCH TUNE JLO Cert No: _____

Vender Phone: () _____ Date Issued: _____

Address: _____ Expiration Date: _____

Name of Establishment: Gillians

KARAOKE 100% TIME ENTERED PREMISES: 9:04 AM/PM TIME LEFT PREMISES: 1:00 AM/PM

Page 2 of 5

TIME	SONG/SELECTION PERFORMED				Artist								
	AM/PM	Announced	Unannounced	Vocal		Instrumental	Live	DJ	Karaoke	CD	VJ	Radio/TV	Jukebox
9:08	✓	✓	✓	✓	DESPERADO	EAGLES	✓						
9:15	✓	✓	✓	✓	INDISCREET	SIMPSON	✓						
9:19	✓	✓	✓	✓	SIGN	ACE OF BASE	✓						
9:24	✓	✓	✓	✓	GONE	IN SYNC	✓						
9:28	✓	✓	✓	✓	FALLEN AWAY FROM ME	ROBAL	✓						
9:33	✓	✓	✓	✓	HEART OF ROCK & ROLL	H. LEWIS	✓						
9:37	✓	✓	✓	✓	SOAK UP THE SUN	S. CROWL	✓						
9:41	✓	✓	✓	✓	A LITTLE BIT OF YOU	PARADELL	✓						
9:45	✓	✓	✓	✓	DREAM A LITTLE DREAM	MARSHY & ROB	✓						
9:50	✓	✓	✓	✓	CHANCES ARE	MATHIS, JOHNNY	✓						
9:55	✓	✓	✓	✓	KILLING ME SOFTLY	WICKMAN (aka POLYGRAM)	✓						
9:59	✓	✓	✓	✓	TOLD YOU SO	TRAVIS	✓						
10:04	✓	✓	✓	✓	PARADE BY DASH BURNED LIGHTS	MET LONE	✓						
10:13	✓	✓	✓	✓	SHIVER	COLD RAY	✓						
10:17	✓	✓	✓	✓	ROCKIN ME	MILLER	✓						
10:21	✓	✓	✓	✓	SWEET CAROLINE	DIMOND, NEIL	✓						
10:25	✓	✓	✓	✓	WONDERFUL TONITE	E. CLAYTON	✓						
10:30	✓	✓	✓	✓	A LITTLE RUDOLPH	SOMMER SHAM	✓						
10:34	✓	✓	✓	✓	ONLY ONE	M. F. THEIDEL	✓						
10:39	✓	✓	✓	✓	WANDERLUST GUL	SEMPERITHA FOX	✓						
10:44	✓	✓	✓	✓	BLUE SUEDE SHOES	LEWIS	✓						
10:48	✓	✓	✓	✓	BEST OF BUREN	STONES	✓						
10:53	✓	✓	✓	✓	PRETTY WOMAN	ROY ORBISON	✓						
10:57	✓	✓	✓	✓	A LITTLE BIT	SIMPSON	✓						

Name of Establishment: GilliansTIME ENTERED PREMISES: 9:04 AM/PMTIME LEFT PREMISES: 1:06 AM/PM

TIME	AM/PM	SONG/SELECTION PERFORMED											
		Announced	Unannounced	Vocal	Instrumental								
		Title		Artist									
11:02		V	V	DONT BE CHEL	ELVIS								
11:06		V	V	BELIEVE	CHER								
11:10		V	V	LOVE SHOCK	AS 52								
11:16		V	V	HIT ME - BEST SHOT	BENNETT								
11:20		V	V	HOTEL CALIFORNIA	BOULES								
11:25		V	V	ITS MY LIFE	BON JOVI								
11:30				ANNOUNCED EVENTS (NO COMMERCIALS)									
11:33		V	V	COLD AS ICE	FOREIGNER								
11:37		V	V	BAD DAY	FUEL								
11:41		V	V	ARMS AROUND OPEN	CREED								
11:46		V	V	BAD NAME	BON JOVI								
11:50		V	V	PIANO MAN	JOEL								
11:55		V	V	MAJIN LOVE	BED CO.								
11:59		V	V	LIT HILL COUNTRY FRIENDS	J. COOKER								
12:04		V	V	TEARS IN HEAVEN	CLAYTON								
12:09		V	V	CRAZY	P. CLINE								
12:13		V	V	FOREBODEN	SEYAL YED								
12:18		V	V	NEED DREAM	A. LEVINS								
12:22		V	V	LIVE A LITTLE	TURIN								
12:26		V	V	HANDS UP	DIXIE CHICKS								
12:30		V	V	MY WAY	LIMP BIZKIT								
12:35		V	V	GEORGIA	CHARLES								
12:39		V	V	AMANDA	BOSTON								
12:44		V	V	RING OF FIRE	JOHNNY CASH								

TIME LEFT PREMISES: 1:06 AM / PM

revised document - 9.27.02

Name of Establishment: GILLIAN'S CAFE

DIAGRAM OF THE ESTABLISHMENT (INSIDE)*

*Indicate/include the location of the dance floor, stage, tables and chairs, bar, musical equipment, etc.

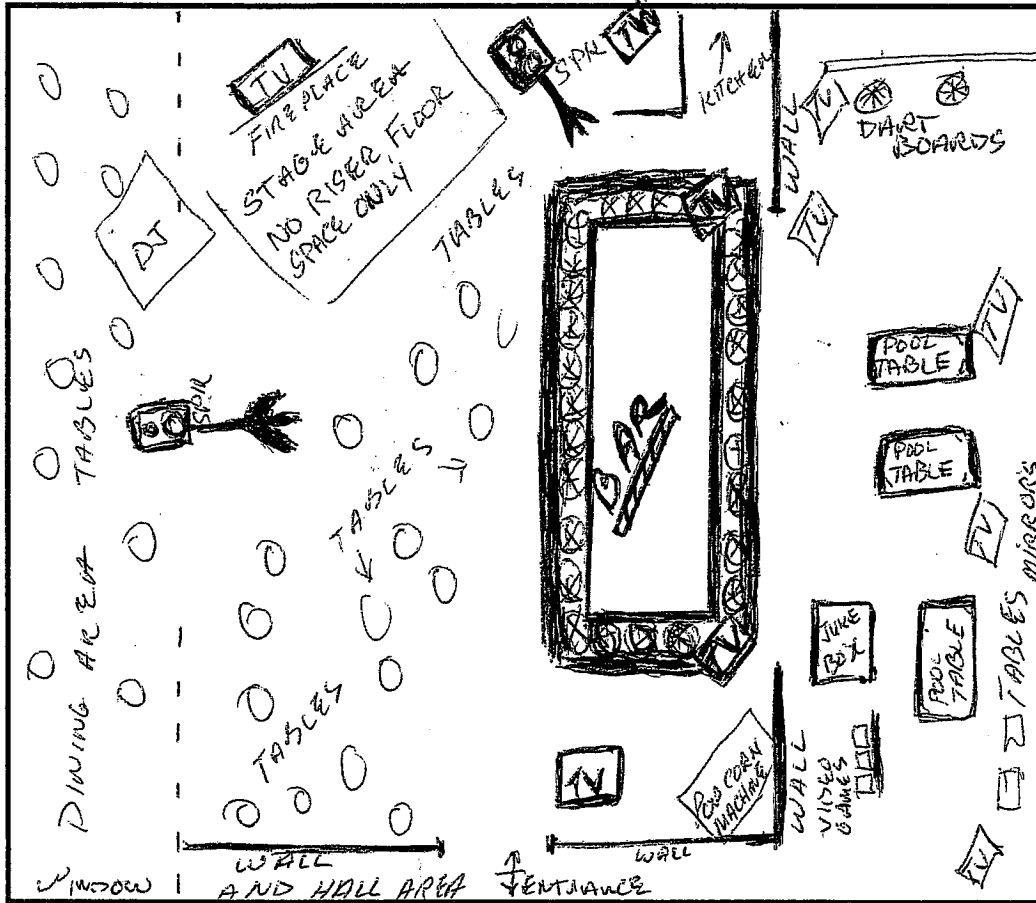
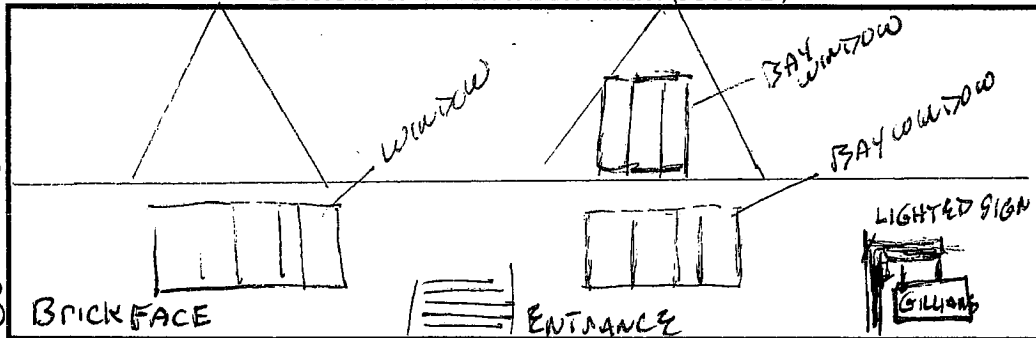


DIAGRAM OF THE ESTABLISHMENT (OUTSIDE)



ESTABLISHMENT SIZE

<input type="checkbox"/> Posted Fire Occupancy:
<input checked="" type="checkbox"/> *Estimated Occupancy: 300+ *(IF NOT POSTED)
Estimated Size Of Crowd: 50
Approx Square Footage: 35' W x 58' L
Is Alcohol Served? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Name and number on Liquor License, if visible: NOT VISIBLE
Was Dancing permitted to Live, DJ, Karaoke or Recorded music? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Type of décor, distinctive decorations, fixtures, establishments themes, game machines, or unusual occurrences that evening: NEON SIGNS, WOOD BEAM PLASTER CEILINGS, CEILING FANS, LANTERN STYLE HANGING LIGHTING, BEAD LIGHTING TRIMS THE BAR AND MUSIC, KARAOKE "AREA TABLES FOR DINING, POOL TABLES VIDEO GAMES, JUKE BOX POPCORN MACHINE, KENO

I/We, DEREK ADDAMS, hereby certify, based upon my
 print name print name
 personal knowledge and under penalty of perjury pursuant to 28 U.S.C. 1746, that the foregoing information in this Report
 is true and correct.

Derek Addams
 signature

9/17/04
 today's date

signature

today's date

Log Date: Day of the Week FRIDAY Month SEPT. Date 24 Year 2004

Name of Establishment GILLIAN'S CAFE

Address 1094 BAY ST.

City TAUNTON State MA. Telephone Number (508) 884-9977

ENTRY FEES

☒ Admission/Cover - Amount: \$ 3.00 ☐ Ticketed - Price: \$ _____ ☐ Minimum - Amount: \$ _____ ☐ None

TYPE OF PERFORMANCE

☒ Live ☐ DJ ☐ Karaoke ☐ VJ

Number of Performers/DJs: _____ Name of Act: _____

Description of Performers/DJs, etc.	Instrumentation/Vocal	M/F
<u>BLACK SLACKS AND SHIRT</u>	<u>LD VOCALS - CONGA'S</u>	<u>F</u>
<u>BROWN SHIRT BLACK SLACKS</u>	<u>LEAD GUITAR / VOCAL</u>	<u>M</u>
<u>BLACK SLACKS AND SHIRT</u>	<u>BASS GUITAR</u>	<u>M</u>
<u>BLACK T-SHIRT AND SLACKS</u>	<u>DRUMS</u>	<u>M</u>

Recorded Music: Source And Type Of Equipment Used

☐ CDs ☐ Tapes ☐ Records ☐ Internet Source ☐ Music Service: _____ (If Known)

☐ DVD ☐ Video Tapes ☐ Radio ☐ Satellite Radio ☐ Other: _____

☒ TV Monitors APPROX. 10 / SIZES APPROX. 20" ☒ Large Screen TVs 1 APPROX 50"
& Size # & Size

Speakers:

Type: ☐ Ceiling - Estimated #: _____ ☐ Box - Estimated #: 2 - BAND PA. ☒ Other 2 - HOUSE

Description of Equipment And/Or Speakers: BAND USED EV SPKS. FOR VOCALS WITH MIXING CONSOLE AND FENDER BASS GUITAR, VINTAGE 6 STRING GUITAR, ACOUSTIC GUITAR, DRUMS FULL KIT, AMPS FOR INSTRUMENTS, NO STAGE OR LIGHTING EFFECTS

Jukebox

Name Vender Co: UNKNOWN ☒ Coin Operated ☐ Free Play ☐ Both

Brand: BOSE DIGITAL Model: TOUCH TUNE JLO Cert No: _____

Vender Phone: () _____ Date Issued: _____

Address: _____ Expiration Date: _____

Name of Establishment: GILCIRANS

TIME ENTERED PREMISES: 9:05 AM/PM

TIME LEFT PREMISES: 1:05 AM/PM

TIME AM/PM	SONG/SELECTION PERFORMED				LIVE						
	Announced	Unannounced	Vocal	Instrumental	Title	Artist	Live	DJ	Karaoke	CD	VJ
9:48	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BOONAY MAGEE	TOPALIN	<input checked="" type="checkbox"/>				
9:56	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SQUADZE BOZ	THE WHO	<input checked="" type="checkbox"/>				
10:06	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	WATINGS ON A FRIEND	STONES	<input checked="" type="checkbox"/>				
10:10	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GOIN TO CALIFORNIA	LED ZEPALIN	<input checked="" type="checkbox"/>				
10:15	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BAND BREAK						
10:30	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	lay Down Sally	CRATON	<input checked="" type="checkbox"/>				
10:34	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BUY ME A MERCEDES Benz	TOPALIN/BOG BROTHERS	<input checked="" type="checkbox"/>				
10:39	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CHAIN OF HOOLS	R. FRANKLIN	<input checked="" type="checkbox"/>				
10:44	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LOVE IS ALIVE	OSBOURNE	<input checked="" type="checkbox"/>				
10:49	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	VERY SUPERSTITIONS	S. ROBERT	<input checked="" type="checkbox"/>				
10:54	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	WED TO BE WITH ME	S. TED ASCHI	<input checked="" type="checkbox"/>				
10:59	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	HEAD ON SMILE	WET WILLY	<input checked="" type="checkbox"/>				
11:04	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	WHITE RABBIT	TERESAAN ANDERSON	<input checked="" type="checkbox"/>				
11:07	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LOVE ME TUD TIME	DOORS	<input checked="" type="checkbox"/>				
11:14	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MUSTANG SALLY	A. ROBERT	<input checked="" type="checkbox"/>				
11:21	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	BAND BREAK						
12:02	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	I THANK YOU	ZZ TOP	<input checked="" type="checkbox"/>				
12:06	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EVERY DAY PEOPLE	SLY FAMEY STONE	<input checked="" type="checkbox"/>				
12:11	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	FAVORITE MISTAKE	SHEYL CROW	<input checked="" type="checkbox"/>				
12:15	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	AT Dorelin	ABBALES	<input checked="" type="checkbox"/>				
12:19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TASH	ZZ TOP	<input checked="" type="checkbox"/>				
12:24	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	THING CALLED LOVE	BOONIE BATE	<input checked="" type="checkbox"/>				
12:29	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SOME KIND OF WONDERFUL	GRAND FUNK RAILROAD	<input checked="" type="checkbox"/>				
12:35	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Tell me Something Good	RIFLES	<input checked="" type="checkbox"/>				

Gillians

revised document - 9.27.02

Name of Establishment: GILLIANS

DIAGRAM OF THE ESTABLISHMENT (INSIDE)*

**Indicate/include the location of the dance floor, stage, tables and chairs, bar, musical equipment, etc.*

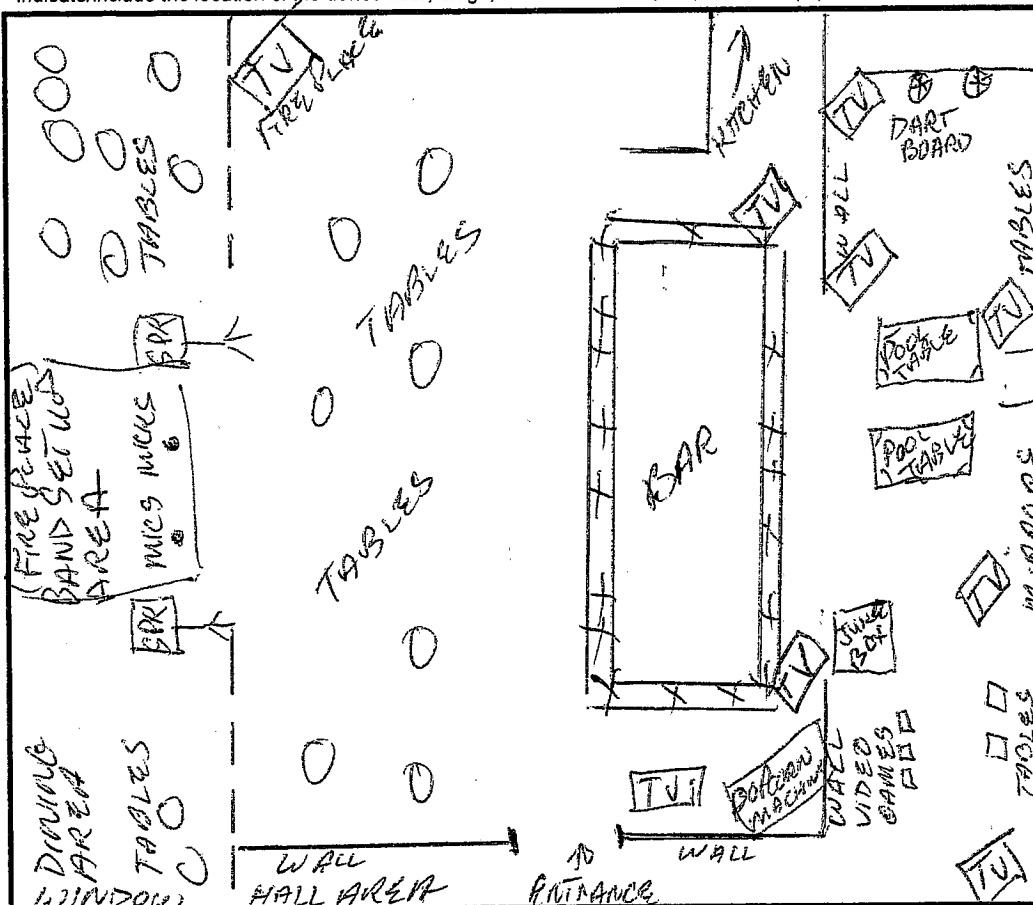
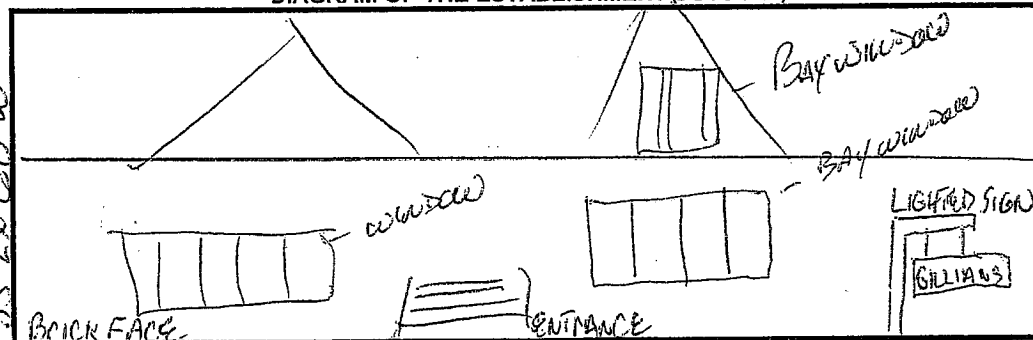


DIAGRAM OF THE ESTABLISHMENT (OUTSIDE)



ESTABLISHMENT SIZE

☐ Posted Fire Occupancy:
UNKNOWN

☒ *Estimated Occupancy:
300+ *(IF NOT POSTED)

Estimated Size Of Crowd:

60 APPROX

Approx Square Footage:

35' w x 58'

Is Alcohol Served?

☒ YES ☐ NO

Name and number on Liquor License, if visible:

Was Dancing permitted to Live, DJ, Karaoke or Recorded music?

☒ YES ☐ NO

Type of décor, distinctive decorations, fixtures, establishments themes, game machines, or unusual occurrences that evening:

NEON SIGNS, WOOD BEAMS

PLASTER CEILING'S CEILING

FANS LANTERNO STYLE

HANGING KHTING BEAD

LIGHTING TOWNS THE BAR

BAND SETUP IN THE

LARGE DINING AREA FAR

LEFT OF THE MAIN ENTRANCE

DRUG TABLETS VIDEO GAMES

THE ROYAL CANADIAN MOUNTED POLICE

MARINE P.A. SYSTEM

I/We, DEREK ADDAMS, _____ hereby certify, based upon my
print name print name
 personal knowledge and under penalty of perjury pursuant to 28 U.S.C. 1746, that the foregoing information in this Report
 is true and correct.

Derek Adams
signature

9/25/04
today's date

signature

today's date



October 15, 2004

David White
1094 Bay St.
Taunton, MA 02780

Via DHL

RE: Gillian's Sports Cafe

Dear Mr. White:

This is to notify you that infringement of BMI copyright controlled music occurred in your establishment on September 24, 2004 and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright proprietors by the Copyright Law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control in your establishment.

We have provided you with all the pertinent information and requested that you obtain a license to permit the public performance of BMI copyrighted music in your establishment (see the attached letter dated December 1, 2003). We remain ready to furnish you a license at fair rates. A completed license agreement covering the unlicensed period is enclosed.

Fee Period	Fees	Paid	Balance
3/1/2003-2/28/2004	\$2,250.00	\$0.00	\$2,250.00
3/1/2004-2/28/2005	\$2,312.50	\$0.00	\$2,312.50
Total:			\$4,562.50

In order to resolve this issue at this time, the enclosed license agreement should be completed, signed, and returned with a payment for all outstanding license fees \$4,562.50 and Music Researcher costs \$439.30, for a total of \$5,001.80, within 5 days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

*Please note that your fee is based on a maximum occupancy of 250, for the entire building as estimated by our representative. We could not secure the official occupancy from a local authority and therefore please respond if this estimate is not correct.

Sincerely,


Lawrence E. Stevens



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- ▶ Small Business Center
- ▶ Technology Tools
- ▶ About DHL

TRACKING RESULTS: DETAIL

Tracking Number: 23383083651

Shipment Summary:

Current Status: Shipment delivered.
 Delivered on: 10/19/04 2:10 pm
 Delivered to:
 Signed for by: B GRAHAM

Ge

Shipment History:

DATE	TIME	ACTIVITY AND COMMENTS	LOCATION
10/19/04	2:10 pm 7:56 am	Shipment delivered. Arrived at DHL facility.	Cranston, RI Cranston, RI
10/15/04	6:34 pm 5:06 pm	Departing origin. Picked Up by DHL.	Nashville, TN Shipper's Door

Shipper:

B M I
 Nashville, TN 37203
 United States

Receiver:

GILLIAN'S SPORTS CAFE
 Taunton, MA 02780
 United States

Shipment Detail:

Service: 2nd day
 Special: Signature Required
 Weight: 1
 Pieces: 1

Ship Type: Letter Express
 Description:
 Shipper's Reference: 25

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